

United States District Court

WESTERN

DISTRICT OF

TEXAS

MAR 07 2008

UNITED STATES OF AMERICA

v.

Francisco Antonio MORALES
Guillermo FUENTES

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY Jm DEPUTY CLERK

CRIMINAL COMPLAINT

CASE NUMBER: 08-1216-MC

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 6, 2008, in El Paso County, in the Western District of Texas defendant(s), did, knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with others known and unknown, to commit offenses against the United States, namely: knowing and in reckless disregard of the fact that an alien has come to, entered, and remained in the United States in violation of law, did transport, move, and attempt to transport and move such alien within the United States by means or transportation or otherwise, in furtherance of said violation of law, for the purpose of commercial advantage or private financial gain,

in violation of Title 8 United States Code, Section(s) 1324 (a)(1)(A)(v)(I), (a)(1)(A)(ii) and (a)(1)(B)(i).

I further state that I am a United States Border Patrol Agent and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached and made a part of this complaint: Yes No


Signature of Complainant

Juan Espino
Printed Name of Complainant

Sworn to before me and signed in my presence,

March 7, 2008

Date

Michael McDonald
Name of Judge

U.S. Magistrate Judge
Title of Judge

At El Paso Texas
City State


Signature of Judge

AFFIDAVIT

On March 6, 2008, at approximately 8:30 A.M. Immigration and Customs Enforcement (ICE) Special Agent in Charge (SAC) El Paso Border Enforcement Security Task Force (BEST) Agents initiated surveillance at the Del Norte Courts Motel located at 4015 Alameda El Paso, Texas. The Agents observed an unidentified female walk from Boone Street north to the front office of the Del Norte Courts Motel. The unidentified female immediately exited the front of the business and walked to the center of the hotel. The unidentified female was observed speaking with several males in an unidentified hotel room and pointed west. Two male individuals exited the room and were observed walking west on Alameda from the hotel. Two additional males were then observed following behind the first two males. Surveillance Agents followed the males to the Lucky Café located at 3831 Alameda, El Paso, Texas.

The four males entered the Lucky Café and ordered breakfast. The males remained inside the restaurant until the arrival of Co-Conspirator Francisco Antonio MORALES. Surveillance Agents observed MORALES arrive at the Lucky Café in a black Ford Expedition bearing Texas Motor Vehicle Registration 674-DHF. Surveillance Agents observed MORALES enter the restaurant and remain there for several minutes. MORALES exited the restaurant with a bag of food and boarded the Ford Expedition. After several minutes inside his vehicle MORALES drove off and was followed to the intersection of Rivera Avenue and San Marcial Street where he pulled off the roadway.

The four male individuals exited the restaurant minutes after MORALES and walked to the eastside of the building. The four males met with a male individual wearing an orange baseball cap. The male in the orange baseball cap was later identified as Co-Conspirator Guillermo FUENTES. FUENTES' vehicle was a brown Dodge Caravan marked as a Sun City Taxi Cab Number 371 bearing Texas Motor Vehicle Registration BPV-193. FUENTES boarded his vehicle and drove west on Alameda. The four males were observed walking westbound on Alameda. FUENTES picked up the four males on Grama Street, El Paso, Texas, between Alameda Avenue and Pera Avenue.

BEST Agents followed the two vehicles to the Food City Supermarket located at 5400 Alameda, El Paso, Texas. In the Food City Supermarket parking lot Agents observed MORALES exit the Ford Expedition and approach the Sun City taxi cab. MORALES and FUENTES met with each other as the four males exited the taxi cab and boarded the Ford Expedition one at a time. The Agents observed MORALES hand an unidentified object to FUENTES prior to walking back to his vehicle. MORALES boarded his vehicle and departed east on Alameda Avenue. FUENTES also departed the area south on Buena Vista. Surveillance Agents followed MORALES' vehicle as it drove to the address of 236 Ben Swain. Surveillance Agents observed MORALES and two of the males enter the residence. BEST Agents approached MORALES' vehicle and identified themselves to the two males in the vehicle. The two males in the vehicle were identified as citizens and nationals of Mexico with no legal authorization to enter or remain in the United States. Agents subsequently found the additional two males in an apartment in the backyard of the residence. Agents positively identified all four males as having been

the four individuals from the Del Norte Motel. Agents also located a female hiding in a pantry inside the residence. The two males found in the apartment and the female were all identified as citizens and nationals of Mexico with no legal authorization to enter or remain in the United States.

MORALES was read his Miranda statement of rights in the Spanish language. MORALES acknowledged in writing that he understood his rights and agreed to speak with agents. MORALES stated that he had received a call from an individual identified only as "CHINO", in Juarez and was asked to pick up "gente" (Spanish word for people) at the Lucky Café. MORALES stated he agreed, and also mentioned that he was going to be paid seventy dollars (\$70) for each subject. MORALES stated that he was to be paid thirty dollars (\$30) for transporting the subjects and forty dollars (\$40) for keeping them in his home. When asked by agents if he knew if the subjects were illegal, MORALES stated he was aware that the subjects were "ilegales" (Spanish term for undocumented aliens). MORALES also stated that he had previously transported and harbored undocumented aliens on several occasions. MORALES also stated that he had transported approximately twenty (20) to twenty-five (25) undocumented aliens. MORALES informed the Agents that he had contacted taxi cab driver named "Memo" (Referring to Guillermo FUENTES) to have the people picked up.

Material Witness-1 was advised of his/her Miranda rights by BEST Agents Gabriel Espalin and Sandi Porras in the Spanish language. Material Witness-1 stated he/she began her journey from Michoacan on Tuesday March 4, 2008. Material Witness-1 arrived in Juarez, Chihuahua on Wednesday March 5, 2008 by bus. Material Witness-1 stated he/she paid an unidentified male two-thousand dollars (\$2000) to be smuggled into the United States. The unidentified male rented Material Witness-1 a fraudulent identification card that was used by Material Witness-1 to cross through the port of entry. Material Witness-1 paid the unidentified male one hundred dollars (\$100) for the use of the card. The unidentified male instructed Material Witness to walk approximately two to three blocks, where a tall heavy set male would be waiting. The unidentified male also stated that tall heavy set male would be driving a blazer or black Tahoe. Material Witness-1 positively identified MORALES as having been the male who picked her up after crossing into the United States. Material Witness-1 stated that MORALES drove him/her to a residence at approximately 9:30 A.M. to 10:00 A.M. According to Material Witness-1 MORALES instructed him/her to wait and watch television. Material Witness-1 did not see MORALES again until his arrival with the other individual and subsequent arrest.

Material Witness-2 was read his/her Miranda rights by BEST Agents Gabriel Espalin and Sandi Porras in the Spanish language. Material Witness-2 advised the Agents that he/she began his/her venture to the United States approximately eight days ago. Material Witness-2 entered the United States on March 5, 2008. Material Witness-2 stated he/she crossed along with three other individuals with the assistance of a juvenile guide. Once in the United States Material-2 and the other three individuals were picked up by a taxi cab and driven to the Del Norte Motel. At the Del Norte Motel Material Witness-2 and the other three individuals rented a room. On Thursday March 6, 2008, an unidentified

male knocked on the door to room number 11 and instructed Material Witness-2 and the other three individuals to exit the hotel and proceed west on Alameda Avenue. The unidentified male also instructed Material Witness-2 to enter the first restaurant they came upon. Material Witness-2 and the other individuals entered the Lucky Café and waited. Material Witness-2 was approached inside the restaurant by a male later identified as MORALES. MORALES informed Material Witness-2 the others to exit the restaurant and board a taxi. MORALES and the other three individuals walked approximately two blocks where a taxi cab picked them up. Material Witness-2 stated the taxi cab drove them to a store named "City." Once in the parking lot of the store "City" Material Witness-2 and the other three individuals were directed to board MORALES black Ford Expedition. Material Witness-2 stated MORALES then drove them to a residence where they were arrested. Material Witness-2 positively identified Guillermo FUENTES as being the taxi cab driver who transported them from the restaurant to the store "City."

BEST Agents contacted Sun City Cab and requested to speak with FUENTES. BEST Agents were advised by Sun City Cab that FUENTES had not started his work day yet. BEST Agents placed electronically recorded telephone calls to FUENTES, and arranged the transportation of two Undercover Agents posing as undocumented aliens. FUENTES agreed to transport the Undercover Agents from the Chico's Tacos located at 4230 Alameda Avenue, El Paso, Texas to the Food City located at 5400 Alameda Ave. FUENTES negotiated a price of fifty dollars per individual. FUENTES picked up the Undercover Agents and transported them to the Big 8 Supermarket located at 5514 Alameda Avenue, El Paso, Texas. BEST Agents identified themselves and took FUENTES into custody. BEST Agents drove from the Big 8 Supermarket located at 5514 Alameda to the Chico Tacos located at 4230 Alameda, and measured the route to be approximately one mile long. BEST Agents contacted Sun City Cab Operations Manager Ivan Garza who informed the Agents that based on the number of passengers, and the total distance traveled the taxi cab fare should total no more than ten dollars.

BEST Agents Victor Galvez and Thomas Gronewold advised FUENTES of his Miranda Rights in the Spanish language. FUENTES stated he had stopped by the Chicos Taco's on Alameda to get a bite to eat. FUENTES stated he was flagged down by two individuals who wanted a ride. FUENTES denied having any knowledge that the individuals were undocumented aliens and/or having negotiated a higher price. FUENTES provided the Agents with a written statement.

Undercover Agents identified themselves to FUENTES who changed his initial statement indicating that he had been contacted by an unidentified individual who requested that he transport two males to the "Fox Plaza" shopping center. FUENTES stated he was going to be paid one hundred dollars for transporting the two individuals. FUENTES admitted to having transported "ilegales" (term referring to undocumented aliens) for the past two years. FUENTES admitted that he had transported approximately one hundred and fifty "ilegales" (term referring to undocumented aliens).